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was uniquely situated to provide an informed view on his best interests. Reasonable case practice dictated that DHS consider the unanimous opinions of the Board and Catholic Charities, yet there is no indication that these recommendations triggered any reassessments by DHS of Jamison's permanency goal.

b. DHS actively colluded with Jamison's substance-abusing mother in complete disregard for Jamison's well-being

DHS took unusually active steps to assist Jamison's mother toward a goal of reunification, even when it was clear to all of the other entities familiar with Jamison's case that she could not safely parent him. It appeared that DHS was working harder to convince the court of the mother's progress than even she was. After Ms. M had failed to comply with her service agreement for over three years, DHS assisted her in being admitted into a rehabilitation center. DHS notes show that a case worker actually requested that the center not release Ms. M until an upcoming Youth Court date in part because she might return to her "old drinking environments," which suggests that the agency sought to shield the Court from learning that Jamison's mother was unable to remain sober on her own.

Jamison's mother later wrote letters to him at his placement with Catholic Charities in which she confessed that she had relapsed. A DHS worker returned these letters to her, telling her in what appears to be a conspiratorial manner that "you shouldn't write that to them because [Catholic Charities] counselors read these letters also as to screen them." The DHS worker's action demonstrates the extent to which she was willing to protect Ms. M's parental rights, even though the worker knew or should have known by then that maintaining Jamison's goal of reunification despite Ms. M's inability to remain sober was entirely unreasonable.



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c. Most egregiously, DHS knew the reunification plan was causing psychological harm to Jamison

DHS maintained the plan of reunification between Jamison and his mother, even as it was aware that Jamison at times was agitated and scared by the prospect of being returned to her. He called his mother a “stranger” and, on one occasion, he removed a photograph of her from his dresser mirror and became angry when it was put back. In therapy, he revealed that he was concerned about his safety if he were to live with his mother, and when Ms. M wrote to him, DHS notes describe Jamison as “agitated, expressing his fear that he would have to return to the home of his biological mother. He expressed the desire to stay with his present foster parents ‘forever’.” DHS also observed him as resisting writing to his mother and saying her letters brought back difficult memories. Further, Catholic Charities reported to DHS that Jamison experienced psychological problems after he visited with his mother, and after Ms. M suffered a relapse, it flatly warned DHS that Ms. M’s behavior was damaging to Jamison.

Although both DHS policy and good case practice require that the touchstone for all permanency planning be the best interest of the child, DHS marched forward with its plan of reunification, in flagrant disregard of Jamison’s well-documented anxiety and fear regarding contact with his mother.

2. DHS Possessed no Other Viable Alternate Permanency Plan to Reunification

During the seven-year period in which DHS pursued reunification, it did not seriously develop any concurrent plan for Jamison in the event that reunification were to fail. At one point, it rebuffed the overtures of Jamison’s foster parents the Bs to adopt Jamison by telling its Permanency Planning Unit that adoption would be “impossible” because reunification would be accomplished. DHS knew at the time that Ms. M had not

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achieved sobriety, which was a critical goal of her five-year-old service agreement. Once DHS's plans for reunification failed in 1998, DHS had no viable alternate permanency plan. DHS simply changed the plan to "formalized foster care"—a concession that it had no true permanent goal for Jamison apart from having him spend the rest of his youth in foster care. Four months after his plan was finally changed from reunification, the Foster Care Review Board made the obvious point that Jamison should be freed for adoption, yet the parental rights of both Ms. M and Jamison's father, Mr. H, were not officially terminated until May 2000. Around November 2002, Jamison's permanency goal was changed to emancipation from the foster care system.

The failure by DHS to establish a viable permanency plan for Jamison caused him psychological anguish. Jamison reported that he felt hopeless about finding a family, and described himself as homeless. He was observed as appearing anxious about his status as a "ward of the state." He told Catholic Charities that he worried about his future placement, and his worries kept him awake at night.

E. DHS UNNECESSARILY SEPARATED JAMISON FROM HIS SISTER AND EXTENDED FAMILY FOR YEARS

A critical feature of casework planning for children in foster care is to maintain family bonds. Family connections help to preserve a child's family and cultural identity and sense of belonging. These connections may contribute to a child's resiliency when temporarily separated from his or her biological parents.

DHS caseworkers tore Jamison apart from his sister almost immediately after they entered foster care, and it made almost no concerted efforts to assure that they had regular visits. It also took no serious and thorough steps to maintain contact with relative

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resources during Jamison's time in the foster care system. The records do not show that DHS sincerely pursued relative placement for Jamison, such as by creating a comprehensive list of relative resources and pursuing each one systematically.

As a result of DHS's improper case practice, Jamison was left to feel abandoned and alone, disconnected from anyone he could claim as a relative. In the 14 years that Jamison has remained in custody, it is hard to believe that there is not even one extended family member who could have served as a safe visitation resource so that he would have had some type of consistent family connection.

F. DHS WAS NOT FORTHCOMING IN ITS DOCUMENTATION

Violating fundamentals of ethical case practice, DHS case workers appear to have dissembled or withheld information in correspondence from the Youth Court, and in DHS notes. For example, after Jamison's sister TM reported that she was raped during a Christmas visit at her mother's home in 1997, DHS submitted a letter to Catholic Charities minimizing the encounter and also stating:

I would like to know who told you that DHS would be willing to allow these children to have unsupervised visits. This is not true. These children are a ward of the State of Mississippi. They MUST be supervised. They have NEVER had an unsupervised visit since I have been their supervisor. They will not have an unsupervised visit until ordered by the court.

DHS records show, however, that DHS sought and received permission for unsupervised visits with Jamison's mother in May 1997. Further DHS records, such as the complaint by TM's foster mother in June 1997 expressing concern about the unsupervised nature of the upcoming visits, would appear to confirm that the Christmas visit was in fact unsupervised.

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In addition, DHS obtained a Youth Court order that permitted Jamison to be placed with his father in Kansas "pending ICPC approval by the State of Kansas." The order was dated January 12, 2004. Three days before this court order, however, DHS received a phone call from an upset Kansas child welfare official who stated she could not approve of Jamison's placement in Kansas because it violated the ICPC contract. She told DHS that Jamison was in Kansas illegally. There are no DHS records indicating that it notified the Youth Court of Kansas's strong objections. It is unlikely that the Court would have approved the placement had it known of Kansas's position.

Furthermore, various DHS casenotes are self-servingly inaccurate. When Kansas denied ICPC approval of Jamison's placement with his father, DHS created a document providing a summary of Jamison's placements. The summary only stated that Jamison's father wanted to have him removed from the home because he had been misbehaving. It did not mention that Kansas had denied the ICPC. What appears to be an earlier version of the summary also exists in DHS records. Dated the same day, that version makes no mention of Jamison's misbehavior at his fathers' house.

G. DHS DENIED JAMISON ACCESS TO LEGALLY MANDATED EDUCATION

By 2002, DHS had established Jamison's permanency plan as emancipation from the foster care system. This plan requires that Jamison be prepared to be self-sufficient and independent once he exits foster care custody. Jamison noted in that plan that his goals were to graduate from high school and to attend college. DHS records also show that Jamison had cherished the desire to get an education and become a lawyer since he was seven.

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Despite Jamison's need and desire for a sound education, DHS placed him at the Oakley Transitional Living Center in February 2004. Youth at Oakley are not permitted to attend regular high school, and instead must attend general equivalency diploma (GED) courses. Though Jamison told DHS that he wanted to go to regular high school and he feared some colleges would not let him enroll with only a GED, DHS persisted in forcing him to forego regular schooling.

DHS's actions constitute unacceptable and harmful case practice. Not only did DHS deny Jamison proper educational opportunities while at Oakley by not permitting him to attend regular high school, but the placement resulted in Jamison failing the 11th grade because of his many absences from school. Jamison must now struggle to get back on track with learning necessary academic skills and pursuing his educational goals.

CONCLUSIONS

DHS took Jamison into its care at the age of five, and over the next fourteen years proceeded to knowingly expose him to unsafe environments, fail to provide or supervise his mental health care, and refuse him permanency, family ties, and educational skills. In particular, I am concerned with two core issues. First, there are other children in the case load of the same supervisor as Jamison's who may be in imminent danger for abuse and neglect because of this supervisor's inability to recognize abuse and to accurately assess whether a placement is safe for a child. In addition, there appears to be a general failure of the accountability mechanism to enforce DHS permanency planning policies. There is no documented compelling reason anywhere in the case record to justify workers' dogged

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determination to reunite Jamison with his mother over a seven-year period rather than filing for termination of his mother's rights.

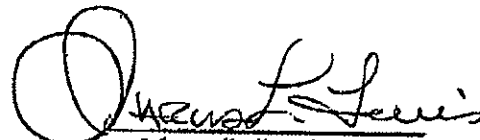
Jamison's case thoroughly demonstrates how DHS's irresponsible and improper case practice can utterly fail to provide for a child's basic needs while he or she is in its custody. Jamison's level of resilience and determination in the face of the chronic maltreatment he has suffered at the hands of both his family and the Mississippi foster care system is truly remarkable.

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CONCLUSION

Foster care is intended to be a temporary and safe harbor for vulnerable children, where their needs are met until they can securely return to their own families or be placed in another permanent home. For the four children whose cases I reviewed, however, entering Mississippi state custody did not shield them from maltreatment. While each child entered foster care under different circumstances, they have all been subjected to a clearly failing child welfare system that has not met its most basic obligation to protect them from experiencing further physical, psychiatric, or emotional harm.

In each case, DHS exposed the child to an environment that posed an immediate and real risk to the child's safety. All four children were frequently and arbitrarily moved from placement to placement. Many of the placements each child experienced were unsuitable and disrupted, thereby forcing the child to endure yet another move. Not one of these children received the consistent medical and psychological services necessary to meet their serious medical or mental health needs. Lastly, as DHS has failed to provide these children with timely and appropriate services necessary for them to achieve permanency, all four have been growing up in state custody, often isolated from their siblings and known relatives. The case practice evident in each of these files was unprofessional, unreasonable and, at times, entirely irrational. Each of these children has been harmed by these failings. The fact that the failings are consistent across all four cases that I reviewed leads me to the conclusion that Mississippi's foster children are at risk of further neglect, and even abuse, as a result of poor DHS case practice and oversight.



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- 42 NP 06092, 06207
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45 NP 06205
46 NP 06102, 06194
47 DHS Cody B. 000225-000229
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54 DHS Cody B. 000004
55 DHS Cody B. 000102, 000096
56 DHS Cody B. 000094, 000099, 000102
57 DHS Cody B. 000096, 00102
58 DHS Cody B. 000287
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60 NP 06172
61 DHS Cody B. 000006
62 DHS Cody B. 000006-000007
63 NP 06148, DHS Cody B. 000088-000092
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65 DHS Cody B. 000091
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67 DHS Cody B. 000012, NP 06140
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79 DHS Cody B. 000279
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81 NP 06110
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88 NP 06110, DHS Cody B. 000273
89 NP 06145-06146
90 DHS Cody B. 000012
91 NP 06140
92 NP 06143
93 DHS Cody B. 000014-000019
94 DHS Cody B. 000014-000015, 000018
95 DHS Cody B. 000014
96 DHS Cody B. 000013, 000014, 000016; NP 06059
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100 DHS Cody B. 000016
101 NP 06042-06043, DHS Cody B. 000017
102 DHS Cody B. 000018, NP 06059
103 DHS Cody B. 000019, 000020
104 DHS Cody B. 000020
105 NP 06150
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107 NP 06050-06058
108 DHS Cody B. 000020-000021
109 NP 06137
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111 DHS Cody B. 000012, 000013, 000020-000022
112 DHS Cody B. 000023, NP 06025-06026
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114 NP 06060
115 DHS Cody B. 000024-000025
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119 NP 06060-06061
120 NP 06059
121 NP 06060-06061
122 NP 06061-06062
123 NP 06063
124 DHS Cody B. 000007, NP 06162-06163
125 NP 06111, DHS Cody B. 00024-00025
126 NP 06131, DHS Cody B. 000027
127 DHS Cody B. 000027
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129 DHS Cody B. 000027; NP 06130
130 NP 06086; DHS Cody B. 000006-000007, 000018, 000024-000025
131 NP 06086, 06085
132 DHS Cody B. 000263, 000265
133 DHS Cody B. 000021
134 DHS Cody B. 000606
135 NP 06115
136 NP 06085
137 DHS Cody B. 000028
138 DHS Cody B. 000028
139 DHS Cody B. 000029
140 DHS Cody B. 000226, 000030, 000577
141 DHS Cody B. 000030
142 DHS Cody B. 000030
143 DHS Cody B. 000576-000577
144 DHS Cody B. 000031
145 DHS Cody B. 000043, 000049, 000051
146 DHS Cody B. 000064
147 DHS Cody B. 000505
148 DHS Cody B. 000075
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- ¹⁶⁷ DHS 000643-645
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- ¹⁶⁹ NP 06562, 06564
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- ¹⁷² NP 06569
- ¹⁷³ NP 06545
- ¹⁷⁴ NP 06548, 06487
- ¹⁷⁵ NP 06548
- ¹⁷⁶ NP 06550, 06487
- ¹⁷⁷ NP 06553
- ¹⁷⁸ NP 06468, 06480
- ¹⁷⁹ NP 06370, 06440
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- ¹⁸¹ NP 06393
- ¹⁸² NP 06396
- ¹⁸³ NP 06397
- ¹⁸⁴ NP 06369, 06440, 06423-06424
- ¹⁸⁵ NP 06480, 06485
- ¹⁸⁶ NP 06423
- ¹⁸⁷ NP 06423-06425
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- ¹⁸⁹ NP 06425
- ¹⁹⁰ NP 06471-06472
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- ¹⁹² NP 06440, 06407, 06452
- ¹⁹³ NP 06407
- ¹⁹⁴ NP 06407-06408
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- ¹⁹⁶ NP 06485
- ¹⁹⁷ NP 06408
- ¹⁹⁸ NP 06452
- ¹⁹⁹ NP 06463, 06438
- ²⁰⁰ NP 06365, 06364
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- ²⁰² NP 06410
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210 DHS Olivia Y. 000040-000042
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212 NP 06348
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214 DHS Olivia Y. 000198
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216 NP 06431-06432
217 NP 06470
218 DHS Olivia Y. 000067, 000068
219 DHS Olivia Y. 000067
220 NP 06343, 06344-06346, 06428
221 NP 06353
222 DHS Olivia Y. 000048, 000006
223 DHS Olivia Y. 000006, 000011, 000016; NP 06353
224 DHS Olivia Y. 000047
225 DHS Olivia Y. 000079, 000075
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228 DHS Olivia Y. 000040-000042
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232 DHS Olivia Y. 000191
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237 DHS Olivia Y. 000008
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242 DHS Olivia Y. 000228
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247 DHS Olivia Y. 000179
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265 NP 07609, 07439, 07497
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267 NP 07615, 07859, 07475
268 NP 07615
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294 NP 07615-07616
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299 NP 08128-08130
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306 NP 07240
307 NP 07608, 06806
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314 NP 06799-06800, 07841, 07621, 06623-06624
315 DHS John A. 000048-000050
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323 NP 08147
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332 NP 07926, DHS John A. 000974, 001389
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334 NP 07926, DHS John A. 000751
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336 DHS John A. 000002, NP 06614
337 NP 06787, 07260, 07261, 07258, 06782, 06606, 06798, 06788, 07539, 06607, 06606, 07259, 06606,
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338 NP 06773
339 NP 06787, 06788, 07257, 07258, 06782, 06783
340 DHS John A. 000051-000053
341 DHS John A. 000750
342 DHS John A. 000048-000071, 002603
343 NP 07935
344 NP 07539, DHS John A. 000004
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347 DHS John A. 000990, 001069, 001074
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350 NP 07258
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360 DHS John A. 002626
361 DHS John A. 000011-000013
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363 DHS John A. 002636, 002635
364 DHS John A. 000013
365 DHS John A. 000015
366 DHS John A. 002631
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370 DHS John A. 001421, DHS 002921
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⁴³⁶ NP-00129

⁴³⁷ NP-00691-692.

⁴³⁸ NP 00129, 00135; DHS Jamison J. 001575

⁴³⁹ NP --00103

⁴⁴⁰ NP --00687

⁴⁴¹ NP --00120

⁴⁴² NP-00086

⁴⁴³ NP-00185

⁴⁴⁴ NP --00196-00198

⁴⁴⁵ NP 00080-00081

⁴⁴⁶ NP-00079

⁴⁴⁷ NP-00066

⁴⁴⁸ NP --00065, 00064

⁴⁴⁹ DHS Jamison J. 001650

⁴⁵⁰ NP-00064; DHS Jamison J. 001649

⁴⁵¹ NP --00146- 00149

⁴⁵² NP 00156

⁴⁵³ NP-00156--NP-00165

⁴⁵⁴ NP-00330

⁴⁵⁵ NP --00035

⁴⁵⁶ NP-00034; NP-00052.

⁴⁵⁷ NP-00510--NP-00513

⁴⁵⁸ NP 000146-000149, NP-00597--NP-00601

⁴⁵⁹ NP-00148

⁴⁶⁰ NP-00657--NP-00663.

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⁴⁶⁶ NP --00595

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⁴⁷¹ NP 02900

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⁴⁷⁵ NP-00678

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